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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,999	02/26/2002	George A. Plesko	G006E	8572

7590 10/28/2003

Symbol Technologies, Inc.  
One Symbol Plaza  
MS/A6  
Holtsville, NY 11742

EXAMINER
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PHAN, JAMES

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/083,999

Applicant(s)

PLESKO, GEORGE A.

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☒ Claim(s) 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Terminal Disclaimer***

The terminal disclaimer filed on 6/12/03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent No. 5,596,442 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Wike, Jr. et al.

Wike, Jr. et al discloses a scanning unit for providing scanning movement of a light beam in at least one of X and Y directions. The scanning unit comprises a generally hollow support (22) having an input aperture at one end where an input light beam enters the bore (62), and an output aperture (50); and a scan element including a movable optical element (includes turning mirrors 40 in Fig. 10, or optical transceiver 42 in Fig. 11 or turning mirrors 40 and optical transceiver 42 in Fig. 12) for receiving through the input aperture the input light beam traveling in an input beam direction and to redirect a received input light beam as a scanning output light beam traveling through

the output aperture in an output beam direction which is generally the same as the input beam direction, and a motor (24) having a rotating shaft (28) connected to the movable optical element. See Figs. 1-2 and 10-12.

In re claim 30 the motor inherently has a generally tubular coil because it is a necessary feature for rotating the shaft. The coil axis is inherently generally parallel to the input and output directions because the shaft of the motor is coincident with the input beam direction.

In re claim 31 the coil axis is inherently generally coincident with the input direction because the motor is symmetrically disposed in the support and the rotation axis of the shaft of the motor is coincident with the input beam direction.

Claims 29-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Wike. Note that support for the present claimed invention is originally filed on Jan. 21, 1993 in Application Serial No. 08/006,754.

Wike discloses a scanning unit for providing scanning movement of a light beam in at least one of X and Y directions. The scanning unit comprises a generally hollow support (48) having an input aperture at one end where an input light beam enters the bore (98), and an output aperture (34); and a scan element including a movable optical element (84) for receiving through the input aperture the input light beam traveling in an input beam direction and to redirect a received input light beam as a scanning output light beam traveling through the output aperture in an output beam direction which is

generally the same as the input beam direction, and a motor (64) having a rotating shaft (68) connected to the movable optical element. See Figs. 1-4.

In re claim 30 the motor inherently has a generally tubular coil because it is a necessary feature for rotating the shaft. The coil axis is inherently generally parallel to the input and output beam directions because the shaft of the motor is coincident with the input beam direction.

In re claim 31 the coil axis is inherently generally coincident with the input and output beam directions because the motor is symmetrically disposed in the support and the rotation axis of the shaft of the motor is coincident with the input and output beam directions.

***Allowable Subject Matter***

Claims 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The motor and the support disclosed in the applied prior art are separate components. There is no motivation to modify the applied prior art so as to meet the claimed invention specified in claim 32. Also, there is no motivation to modify the applied prior art so as to meet the claimed invention specified in claim 33.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Phan, J.  
Oct. 9, 2003

  
James Phan  
Primary Examiner